

REMARKS

In the Final Rejection, the Examiner continues to reject Claims 1-10, 12, 14, 16, 18, 20, 22, 24, 26, 28 and 30-32 under 35 USC §103(a) as being unpatentable over "applicant's admitted prior art in combination with Chen." This rejection is respectfully traversed.

In particular, the claims of the present application clearly recite the step of forming an EL layer.

Neither "applicant's admitted prior art" nor Chen disclose or suggest forming an EL layer. Further, there is no discussion in the Final Rejection as to where this claimed feature is shown in the cited references. The Examiner merely states that "[i]n this instant case, the Chen reference does not used for [sic] the EL film but the films which are the same as claimed films for curing the rough topography in the process of applicant's admitted prior art." This is not legally sufficient to show the claimed feature, nor the alleged obviousness of the claimed feature, of the present application of forming an EL layer. The law requires a showing of some teaching or suggestion in the art of the claimed feature. That has not been shown.

Hence, a prima facie case of obviousness has not been established in the Final Rejection.

In addition, as explained in Response E filed February 18, 2004 in the above-identified application, the Examiner needs to consider all the evidence on the question of obviousness, including the advantages that accrue to the present invention, and are not known in the prior art, (as explained in depth in Response E, which is incorporated herein by reference).

Accordingly, it is respectfully submitted that the claims of the present application are not disclosed or suggested by the Examiner's alleged combination. Therefore, the claims are patentable thereover, and it is requested that this rejection be withdrawn.

New Claims

Applicants are adding new Claims 33 and 34. New independent Claim 33 is similar to Claim 1 but further recites a step of enclosing the EL layer. This feature is shown, for example, at page 22 lns. 1-4 and Fig. 13 of the present application. These claims are allowable for at least the reasons discussed above for the other claims. Accordingly, it is requested that these claims be entered and allowed.

If any fee should be due for these new claims, please charge our deposit account 50/1039.

Information Disclosure Statement

Applicants are including herewith an IDS. It is requested that this IDS be considered prior to any further action being issued on this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance.

If any further fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,



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